

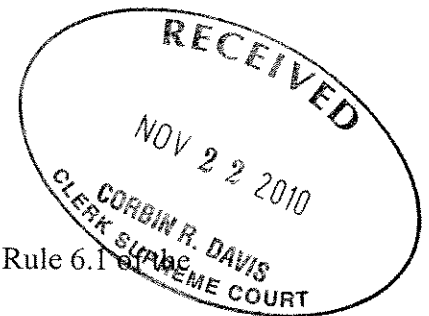
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November 18, 2010

Corbin Davis
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909



Re: Administrative File No. 2010-18—Proposed Amendment of Rule 6.1 of the
Michigan Rules of Professional Conduct

Dear Mr. Davis,

The ABA expresses its support for the Michigan Supreme Court to adopt Alternative B of the proposed Michigan Rules of Professional Conduct 6.1. Alternative B, the State Bar of Michigan Representative Assembly's rule with a slight revision by the Court, reflects the intent of ABA Model Rule 6.1 with the addition of specific language – 30 hours of pro bono/three cases; \$300 per attorney – that mirrors the requirements of Michigan's existing pro bono standard that was adopted by the State Bar of Michigan's Representative Assembly in 1990.

The importance of ABA Model Rule 6.1 is its emphasis on the professional responsibility of lawyers to provide legal services to the poor. The ABA first published its Canons of Professional Ethics in 1908—and those Canons recognized that a "client's poverty" may justify representation and that "widows and orphans without ample means should receive special and kindly consideration". Since then lawyers' responsibility to provide pro bono services to those of limited means has been recognized in every iteration of the rules.

Over time, the Rule has become more detailed in order to clarify the definition of pro bono service so that lawyers are clear about what is expected of them. Model Rule 6.1 acts as a guideline for lawyers to follow in determining how to put their pro bono responsibility into action. It is not meant to be prescriptive but rather inclusive, providing a broad range of qualifying pro bono work.

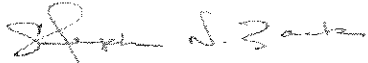
The current version of Rule 6.1, adopted in 2002, is substantively similar to the version of the Rule that was adopted in 1993. Because the 1993 Rule incorporated significant substantive changes, the Rule went through a comprehensive vetting process at the time through the House of Delegates and was subject to extensive comment and active debate. The ABA sees the current rule as a consensus document reflecting the best approaches to

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pro bono. The Rule has been the standard upon which states have made changes to their pro bono rules regarding a lawyer's professional responsibility, and has generally been accepted as the appropriate framework upon which states should base their pro bono rules. There are 26 states that have adopted the current iteration of ABA Model Rule 6.1, have adopted a similar version of the Rule, or have adopted the 1993 version which is substantively similar.

For the aforementioned reasons, the ABA supports Alternative B of the proposed MRPC 6.1 .

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Stephen N. Zack".

Stephen N. Zack